

REMARKS

New Claims 15-20 have been added. Claims 1-10 and 12-20 are thus currently pending in this application. Claim 11 has been canceled without prejudice. Claims 4, 6-9 and 14 have been amended. No new matter has been added by these amendments or added claims. Applicants have carefully reviewed the positions presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Objections

Claim 14 was objected to for informalities. Original Claim 14 was dependent on itself. Claim 14 has now been amended to be dependent on Claim 13.

Claim Rejections Under 35 U.S.C. §102

Claims 1-4, 6, 8-10 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,434,139 to Liu. Since Liu does not teach the use of a source interface device in the manner taught and claimed by the present application, Applicant respectfully traverses these rejections.

Claim 1 requires "a source interface device adapted to receive voice data packets, of a specified format from the source system and to reformat voice data packets to a format compatible with the specified communications protocol." The Examiner has identified the Mobile Switching Center (34) of Liu as anticipating the source interface device of Claim 1. Applicant respectfully disagrees with this argument. The Source Interface Device of Applicant's invention is separate and distinct from the Mobile Telephone Switching Office (MTSO). In Figure 3 of Applicant's disclosure, the MTSO is identified as element 124 and the Source Interface Device is taught at 125. Claim 1 requires a system consistent with this disclosure. Note that the interface device of Claim 1 receives voice data packets from the source system which includes the MTSO.

The Source Interface Device of Applicant's invention performs a function distinct from that of the MTSO: reformatting voice packets to a format compatible with the specified

communication protocol to be sent to the gateway. Liu does not teach that this function could be performed by the MTSO (or as it refers to it: Mobile Switching Center.)

The use of a source Interface and the reformatting function it performs provides a distinct advantage in a system comprising Applicant's invention. Such a communication system provides a better quality voice call, in that a digital cell call starting out as a digital packet call remains a digital packet call through the entire communications process. There is no need to convert the digital packet call to a 64 kilobit or other low bit rate format as required in Liu. See Liu at Column 5, lines 58-62.

Therefore, the invention as defined by Claim 1 includes the Source Interface Device (125) to directly reformat the voice packets to a format compatible with the specified communication protocol. The application teaches this device as separate from the MTSO. However, as also taught by the application (pg. 7, lines 13-16), the device may be located at the MTSO or other cellular/PCS mobility switch. Therefore, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of Claim 1 over Liu.

Claims 2 and 3 are dependent on Claim 1 and are therefore distinct from Liu for the same reasons as Claim 1. On that basis, Applicant respectfully requests the withdrawal of the rejection of Claims 2 and 3 over Liu.

Claim 4 is also dependent on Claim 1. In rejecting Claim 4, the Examiner identified the Mobile Switching Center (34) of Liu as anticipating the claim element of a "source switching device." However, the Examiner had already identified the Mobile Switching Center (34) of Liu as anticipating the "source interface device" of Claim 1. There is no teaching in Liu that the Mobile Switching Center (identified as the "MTSO" in the present application) is able to perform both of the independent functions of a switching device and an interface device taught and claimed by the present application. The Mobile Switching Center of Liu teaches, similar functions as the MTSO taught in the present application: receiving the voice data packets; recognizing the call types; and forwarding the voice data packets to the proper location. For this reason, Applicant has amended Claim 4 to clarify that these functions are performed by a "source switching device" of the "mobile telephone switching office." Claim 4 is distinguished from Liu for the same reasons as Claim 1 and for the further requirements of original Claim 4 and for the

clarification to Claim 4 made herein. For these reasons, Applicant respectfully requests the withdrawal of the rejection of Claim 4 over Liu.

Claim 6 is dependent on Claim 4. Claim 6 has been amended to correct a typographical error. Claim 6 is distinct from the Liu patent for the same reasons as Claim 1 and 4. Applicant therefore respectfully requests the withdrawal of the rejection of Claim 6 over Liu.

The Examiner rejected original Claim 8 on the basis that Liu taught each of the steps claimed therein. Applicant has amended Claim 8 to include the step of "routing voice data packets to a source interface," and to require the "routing the reformatted voice data packets" step to be sent to "a destination interface." Liu does not teach or suggest routing the voice data to a source interface or a destination interface as described in Applicant's specification. Applicant therefore submits that amended Claim 8 is distinct from Liu and that the rejection should be withdrawn.

The Examiner rejected original Claim 9 on the basis that Liu taught each of the elements claimed therein. Applicant has amended Claim 9 to include the requirement that "long distance calls are routed to a source interface device," and that the source interface device is adapted to "route the long distance calls to a source gateway." This amendment incorporates the requirements of cancelled Claim 11 into amended Claim 9. The Examiner had rejected original Claim 11 as obvious over Liu and that the local and long distance call types are "well known in the art." Applicant respectfully requests the withdrawal of this rejection as failing to present prima facie obviousness. Furthermore, Liu does not teach or suggest the use of an interface device within the source system as required by amended Claim 9. For these reasons, Applicant respectfully requests the withdrawal of the anticipation rejection previously applied to Claim 9 and the obviousness objection previously applied to Claim 11.

Claim 10 is dependent on amended Claim 9 and Claim 12 is dependent on Claim 10. Therefore, these claims are now distinct from the teaching in Liu for the same reasons that amended Claim 9 is. Therefore, Applicant respectfully requests the withdrawal of the rejections of Claims 10 and 12 over Liu.

Claim Rejections Under 35 U.S.C. §103

Claims 5, 7, 11 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Liu patent and in light of the prior art.

Once Applicant has taught his innovative method and apparatus for a communication system, such method and apparatus may, by hindsight, seem to be obvious to one having ordinary skill in the art. However, when viewed as of the time Applicant's invention was made, and without the benefit of Applicant's own disclosure, there is nothing in the art of record which realistically suggests Applicant's inventive approach.

The Examiner has rejected Claim 5 as being obvious over the teaching in Liu. Claim 5 is dependent on amended Claim 4 which is further dependent on Claim 1. As stated above, Applicant has pointed out that Liu does not teach each of the requirements of Claim 1. In particular, Liu does not teach the use of an interface device distinct from the Mobile Telephone Switching Office. This distinction is highlighted in the amendments to Claim 4. Claim 5 further distinguishes the combination required by amended Claim 4 by adding the requirement that long distance calls are the specified call type to be sent to the destination interface device. Since Liu does not teach any destination interface device (or even the use of a mobile switching center in the destination system) the rejection of Claim 5 can only be the result of hindsight reconstruction of Applicant's invention. For each of these reasons, individually and together, Applicant respectfully requests the withdrawal of the obviousness rejection to Claim 5.

Claim 11 has been cancelled. The subject matter of Claim 11 has been incorporated into Claim 9.

The Examiner has rejected Claims 7, 13 and 14 as being obvious over Liu "in view of the admitted prior art." The Examiner has relied upon Liu and the admitted prior art to teach the destination transceiver/base station of Claim 14. The Examiner has relied upon Liu and the admitted prior art and an adaptation of Liu's system to teach re-formatting the data (of Claim 7) for use in a destination switching device and a destination transceiver/base station.

The rejections of Claims 7, 13 and 14 do not establish prima facie obviousness. These rejections are based upon a prohibited hind-sight reconstruction of Applicant's invention. Neither Liu patent nor the admitted prior art suggest or provide motivation for the combinations required by these claims. "Obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP § 2143.01. See also In re Kotzab, 55 U.S.P.Q. 2d 1313, 138 (obviousness requires a "specific understanding or principle within the knowledge of the skilled artisan" that would have provided the motivation to combine teachings.) Nothing within the cited references suggests that such a combination is desirable or possible. For these reasons, Applicant respectfully requests the withdrawal of the obviousness rejections of Claims 7, 13 and 14.

NEW CLAIMS

Applicant has added new Claims 15-20. Claims 15 and 18 are independent apparatus claims directed to Applicant's novel routing system. Claims 16 and 17 are dependent on Claim 15. Claim 19 is dependent on Claim 18. Claim 20 is dependent on Claim 19. Each of these new claims is based upon the specification provided with the original application and do not present new matter.

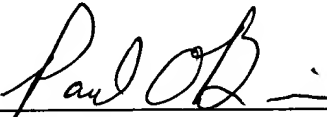
Applicant has reviewed the prior art made of record and the Examiner's rejections based upon that record. Applicant believes each of these claims distinguish over all such prior art and are in condition for allowance.

CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of Applicants' claims 1-10 and 12-20 are believed to be in order and an early Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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